

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

JUDY WHITE and GARY WHITE,)
)
Plaintiffs,)
)
VS.) No. 13-2173-JDT/tmp
)
DELORES STEPHENS, et al.,)
)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION
FOR SEVERANCE OF CLAIMS

Plaintiffs filed this complaint pursuant to 42 U.S.C. § 1983 and paid the filing fee. Magistrate Judge Tu M. Pham has issued a report, recommending that Plaintiffs' claims be severed [DE# 42]. Plaintiffs have not filed any objections. Therefore, the report and recommendation of Magistrate Judge Pham is hereby ADOPTED, and Plaintiffs' claims are hereby SEVERED.

The clerk of the court is DIRECTED to apply the filing fee already paid to Judy White's case; (2) open a new civil action for Gary White's case; (3) docket a copy of the complaint and this order in the new case; and (4) reflect on the new case docket that Gary White's mailing addresses are (a) Gary L. White, BOP #26784-001, FCI Forrest City - Medium, Federal Correctional Institution, P.O. Box 3000, Forrest City, Arkansas 72336, and (b) Gary L. White, BOP #26784-001, FCI Forrest City - Low, Federal Correctional Institution, P.O. Box 9000, Forrest City, Arkansas 72336.

Gary White is ORDERED within thirty (30) days to pay the \$350.00 filing fee as required by 28 U.S.C. § 1914(a),¹ or submit an *in forma pauperis* affidavit and a copy of his inmate trust account statement for the last six months. If Gary White timely submits the proper documentation and the court finds that he is indeed indigent, the court will assess the filing fee in accordance with the installment procedures of § 1915(b). Gary White's complaint will be subject to the PLRA's screening requirement.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ Twenty-eight U.S.C. § 1914(a) requires a civil filing fee of \$350. However, pursuant to § 1914(b), “[t]he clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.” Effective May 1, 2013, the Judicial Conference prescribed an additional administrative fee of \$50 for filing any civil case, except for cases seeking habeas corpus and cases in which the plaintiff is granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. Thus, if the Plaintiff is granted leave to proceed *in forma pauperis* in accordance with the PLRA, he will not be responsible for the additional \$50 fee.